

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1916

Introduced by Assembly Member Davis

February 16, 2010

~~An act to relating to pharmacy.~~ *An act to add Section 4126.7 to the Business and Professions Code, relating to pharmacies.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1916, as amended, Davis. Pharmacies: *prescriptions*: reports.

Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacies by the California State Board of Pharmacy. ~~Existing law requires any pharmacy that contracts to compound a drug for parenteral therapy for delivery to another pharmacy to report that contractual arrangement to the board.~~ *Existing law authorizes a pharmacy to furnish dangerous drugs only to, among others, a patient or another pharmacy pursuant to a prescription or as otherwise authorized by law. Existing law requires every pharmacy to establish a quality assurance program to assess errors in dispensing or furnishing prescription drugs. A knowing violation of the Pharmacy Law is a crime unless otherwise specified.*

~~This bill would declare the intent of the Legislature to require a pharmacy to report to the board when a patient is given a prescription that belongs to another person.~~

This bill would require a pharmacy to report to the board any occurrence known by the pharmacy of a prescription being furnished to a person other than the patient named on the prescription or that patient's representative. The bill would also require the pharmacy to report any adverse reaction that may have occurred as a result of the

person to whom the prescription was furnished using the prescribed drug. Because a knowing violation of these requirements would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4126.7 is added to the Business and
2 Professions Code, to read:

3 4126.7. A pharmacy shall promptly report to the board any
4 occurrence known by the pharmacy of a prescription being
5 furnished to a person other than the patient named on the
6 prescription or that patient's representative. That report shall
7 include any adverse reaction that may have occurred as a result
8 of the person to whom the prescription was furnished using the
9 prescribed drug.

10 SEC. 2. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.

19 ~~SECTION 1. It is the intent of the Legislature to enact~~
20 ~~legislation requiring a pharmacy to report to the California State~~
21 ~~Board of Pharmacy when a patient is given a prescription that~~
22 ~~belongs to another person, in order to determine how to possibly~~
23 ~~decrease the number of mix-ups and thereby save lives.~~